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**REMARKS**

In the Office Action the Examiner noted that claims 1-10 are pending in the application, and the Examiner rejected all claims. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

**Examiner Interview Conducted On November 10, 2008**

The Applicants express gratitude to the Examiner for granting the interview conducted on November 10, 2008. Portions of the arguments presented during the interview are included in the comments below.

**Claim Rejections Under 35 USC §103**

In item 2 on pages 3-5 of the Office Action the Examiner rejected claims 1-4, and 10 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,940,139, issued to Smoot (hereinafter referred to as "Smoot") in view of U.S. Patent No. 3,544,771, issued to O'Meara (hereinafter referred to as "O'Meara") and further in view of U.S. Patent Application Publication No. 2002/0098435, issued to Rohr (hereinafter referred to as "Rohr"). The Applicants respectfully traverse the Examiner's rejections of these claims.

Claim 1 of the application recites an image extraction method in which at least a surface of the background is formed by an organic dye.

The Examiner acknowledged that Smoot does not disclose such a feature, but alleged that such a feature is disclosed in O'Meara, and further alleged that it would be obvious to modify the disclosure of Smoot to include the feature.

As discussed in the Examiner Interview, Smoot teaches away from any such modification. As stated in Lines 40-46 of Column 2 of Smoot, an object of Smoot is provide object extraction that does not require the foreground object to be placed in front of a monochromatic background, thus permitting object extraction in "on-location" and other types of video shoots where it may be difficult or inconvenient to provide a physical, monochromatic background. Therefore, the Applicants respectfully submit that there is no proper motivation to modify Smoot with the other cited references. In fact, Smoot's "on-location" type of shooting clearly teaches away from such a modification, and thus the Applicants respectfully submit that claim 1 patentably distinguishes over the cited references.

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Claims 2-4 depend from claim 1 and include all of the features of that claim plus additional features which are not disclosed by the cited references. Therefore, it is respectfully submitted that claims 2-4 also patentably distinguish over the cited references.

Claim 10 of the present application recites similar features as those discussed in regard to claim 1, and it is respectfully submitted that claim 10 therefore also patentably distinguishes over the cited references.

In item 3 on pages 6 and 7 of the Office Action the Examiner rejected claims 5-9 under 35 U.S.C. §103(a) as being unpatentable over Smoot, O'Meara, and Rohr in view of U.S. Patent No. 6,873,713, issued to Okazaki (hereinafter referred to as "Okazaki"). The Applicants respectfully traverse the Examiner's rejections of these claims.

Claim 5 of the present application recites similar features to claim 1, which patentably distinguishes over Smoot, O'Meara, and Rohr. Further, as Okazaki apparently merely discloses a matching section to compare images, Okazaki does not cure the deficiencies of Smoot, O'Meara, and Rohr regarding claims 1 or 5 of the present application. Therefore, it is respectfully submitted that claim 5 also patentably distinguishes over the cited references.

Claims 6-9 depend from claim 5 and include all of the features of that claim plus additional features which are not disclosed by the cited references. Therefore, it is respectfully submitted that claims 6-9 also patentably distinguish over the cited references.

#### Summary

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

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Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Response, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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on 11/10/08, 2008

STAAS &amp; HALSEY

By: Thomas L. JonesDate: 11/10/08